7. Claim 17 has been clarified that one surface is away and another surface is “toward” the second edge chord.

8. Claim 21 has been made dependent upon Claim 26 which introduces a “second cross beam”.

9. A period has been added to Claim 26 to replace the “; and” .

§ 102 Rejections

10. Claims 1, 2, 4, 5, 9, 10, 17, 20, 21, 23, 26, 27, and 29 have been rejected as being anticipated by U.S. Patent 5,317,848 to Abbey.

11. Claims 1-6, 9, 10, 15-17, 19-26, 29, 32 and 33 have been rejected as being anticipated by U.S. Patent 3,834,681 to Fordyce.

12. Claims 1, 5-8, 10-13, and 15-17 have been rejected as being anticipated by U.S. Patent 2,948,995 to Cogan.

13. Claims 1, 2, 4, 5, 7, 9, 10, 17, 20-22, 26, 27, and 29 have been rejected as being anticipated by U.S. Patent Publication 2002/0059756 to Matsubura (or in the alternative obvious over Matsubura in view of U.S. Patent 5,317,848 to Abbey.)

14. Claims 1, 7, 17 and 18 have been rejected as being anticipated by (or in the alternative obvious in view of) D344,143 to Bass.

15. Claim 28 was objected to. Independent Claim 20 has been amended to include the restrictions of Claims 27 and 28 in order to cure this objection. Claims 21-26 and 29-33 are dependent upon amended Claim 20. Claims 27 and 28 are cancelled.

16. Claim 1 has been amended to include the restriction of a biaxial sleeve connector as claimed in dependent claim 11. Claims 2-9 and 12-19 are dependent upon amended claim 1. Claims 10 and 11 are cancelled. As shown in Fig. 3 below, Cogan teaches structural support elements that include projecting metal rods that may be welded. Cogan does not teach biaxial sleeve connectors.

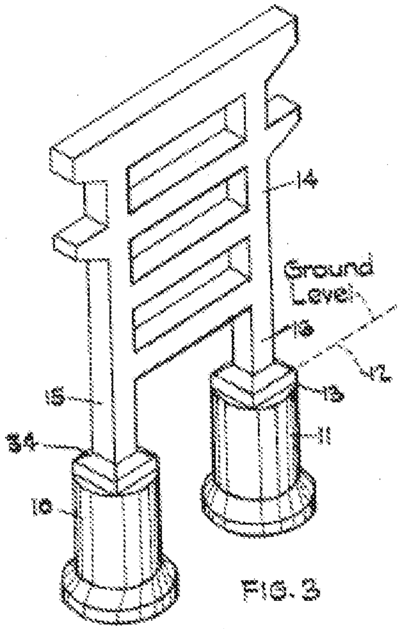

FIG. 3

§ 103 Rejections

17. Claims 11-14, 30, and 31 have been rejected as being obvious over U.S. Patent 3,834,681 to Fordyce.

    Claim 1 has been amended to include a biaxial sleeve connector. As shown in Figs. 1 and 4 below, Fordyce teaches away from the current invention by describing the stacking of the end modules on the feet extensions of the side modules. At col 5, lines 43-45, Fordyce notes that “Fasteners such as u-bolts are also used to join the downturned legs of each U-frame 41 element to proximal panel units 22.” Fordyce teaches a particular structure- a cooling tower, and does not teach a general purpose construction method or general purpose modules.

The biaxial sleeves of the current invention permit assembly of multiple modules in either planar or orthogonal configuration without requiring a vertical offset. The biaxial sleeve connections are not obvious to one skilled in the art in view of Fordyce.

With reference to the specific objections raised by the Examiner, he states that:

> "The particular connections, means and orientations are viewed as nothing other than choices of design which would have been obvious at the time of the invention to one having ordinary skill in the art. Sleeve connections are known in the precast concrete art and one of ordinary skill in the art would have readily recognized that the connection could be placed as desired on the module of Fordyce" (paragraph 12)

Applicant respectfully submits that a rejection under 35 USC 103 is to be explicit, providing some articulated reasoning with rational underpinning support for the conclusion of obviousness. Applicant further submits that the Examiner's objections do not meet these criteria and thus the Applicant is deprived the opportunity to distinctly and specifically point out the errors in the Office Action.

Accordingly, Applicant can only address the conclusory statements made by the Examiner and address the errors therein.

On a plain reading, subject matter that would fall under "…choices of design…" would include matters of varied dimensions, increased strength, decreased weight or other obvious adaptation of existing materials or objects. We submit that it does not extend to the use of a new device, such as a bi-axial sleeve connector, that does not form part of the common general knowledge and accordingly, cannot be considered part of the prior art.

While a means of connection known to the skilled person may extend to welding and bolted connections which are clearly described in the literature, the use of a bi-axial sleeve connector is not so described, as thus is a separate device, particular to this invention. As discussed at [0117]-[0126], the modularity of the present invention gains particular advantage through the flexibility provided by the bi-axial sleeve:

> "Biaxial modular connection sleeves allow the designer near limitless variety in the structural assemblies including wall blocks, box columns, paired blocks, and trusses that may be built into structural modules using repetitive identical elements."

Structures must present strength in all directions, so building a structure typically requires that perpendicular parts be connected. In casting two parts to be connected, half of any given connection is vertical in one casting mold, and half of it is horizontal in another casting mold. The challenge is in establishing a standardized connection system that presents these two connection axes with precision, and uses a common method of establishing and ensuring that precision in all parts. The biaxial sleeve uniquely offers these features. It also uniquely positions and supports the reinforcing steel cage in the casting mold without the need for rebar chairs, and it offers lifting and handling points in the finished part.

Applicant submits that in addition to the above arguments, if such a connector were a mere matter of design, the use of said connectors would be as prevalent as a standard bolted connection or welded connection. While a bolted connection and welded connection are matters of mere design, this cannot extend to a new device not previously described and Applicant submits that claim 1 incorporating the use of a bi-axial sleeve connector is inventive over the cited prior art.

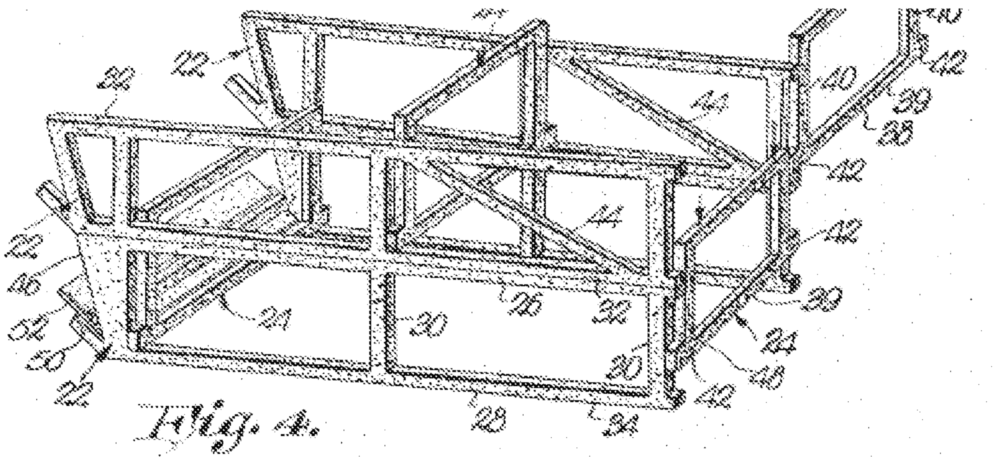

Fig. 4.

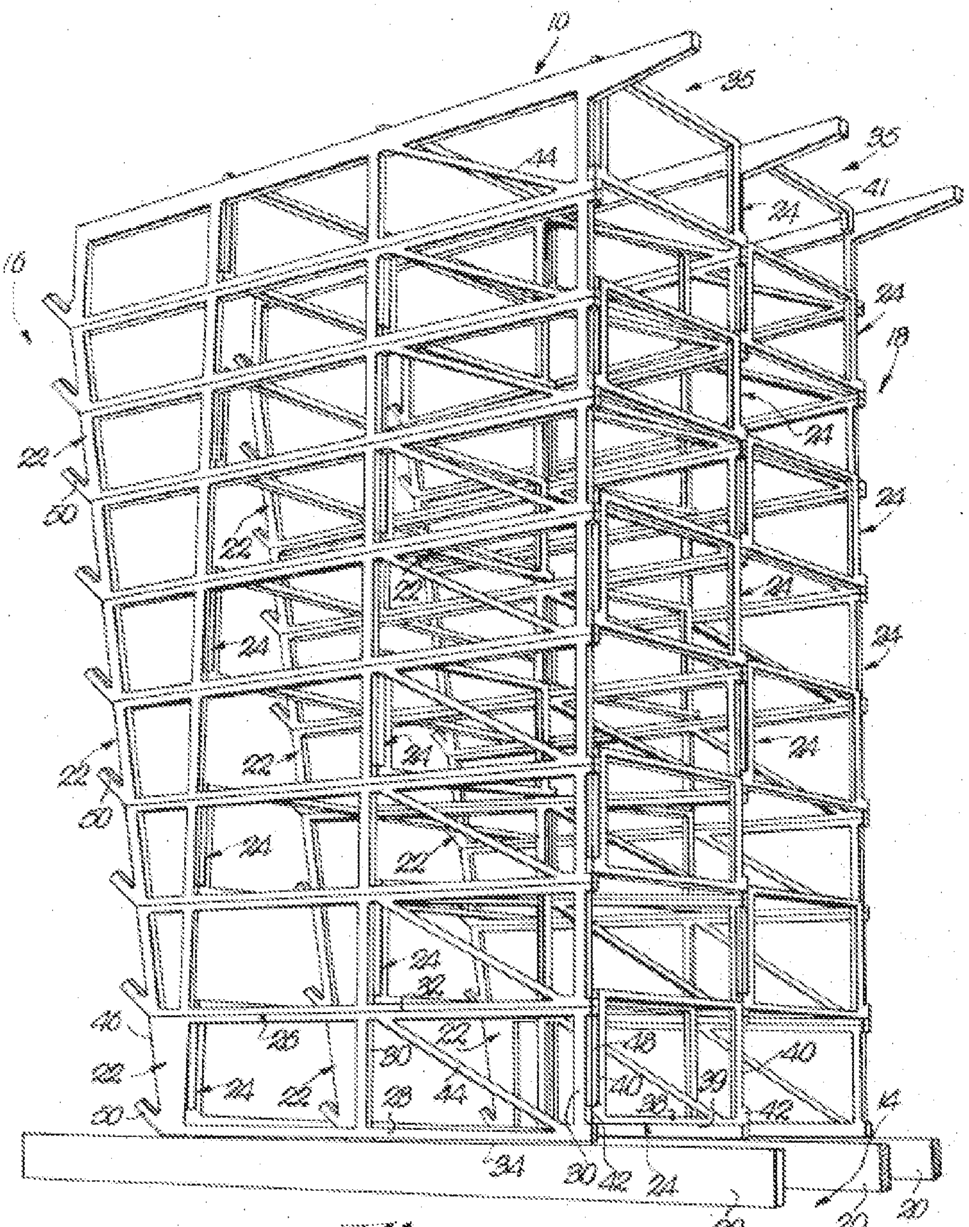

Fig. 1.

18. Applicant argues that all pending claims are now in condition for allowance.

19. Thank you for your continued assistance in this application.

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Respectfully submitted,

_/Rick B. Yeager/ ___

Rick B. Yeager
Attorney at Law
10805 Mellow Lane
Austin, Texas 78759
Registration No. 39,434
Telephone (512) 918-1237
Facsimile (512) 918-1238
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